IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS AMARILLO DIVISION

CLERK US DISTRICT COURT NEATHERN BIST. OF TX FILED

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DANIEL VASQUEZ DOMINQUEZ, PRO SE, aka DANIEL VASQUEZ DOMINGUEZ, aka DANIEL V. DOMINGUEZ, TDCJ-CID No. 1355966,

Plaintiff,

v.

ANTHONY MARTINEZ ET AL.,

Defendants.

2:14-CV-0097

ORDER OF PARTIAL DISMISSAL

Plaintiff DANIEL VASQUEZ DOMINQUEZ, acting pro se and while a prisoner confined in the Texas Department of Criminal Justice, Correctional Institutions Division, filed suit pursuant to Title 42, United States Code, section 1983 complaining against multiple defendants employed by the Texas Department of Criminal Justice, Correctional Institutions Division, and was granted permission to proceed in forma pauperis.

On June 30, 2014, a Report and Recommendation was issued by the United States Magistrate Judge recommending that, excepting only plaintiff's claim of sexual assault by defendant MARTINEZ in June of 2012 and in December of 2012, the Civil Rights Claims filed pursuant to Title 42, United States Code, section 1983, by plaintiff DANIEL VASQUEZ DOMINQUEZ be dismissed with prejudice as frivolous, with prejudice as frivolous until the *Heck* conditions have been met, and for failure to state a claim on which relief can be granted.

After being granted an extension of time, plaintiff filed his Objections on July 28, 2014.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation, as well as the objections filed by the plaintiff.

The Court is of the opinion that plaintiff's objections should be OVERRULED and the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does OVERRULE plaintiff's objections, and does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that, EXCEPTING ONLY PLAINTIFF'S CLAIM OF SEXUAL ASSAULT BY DEFENDANT MARTINEZ IN JUNE OF 2012 AND IN DECEMBER OF 2012, the Civil Rights Claims filed pursuant to Title 42, United States Code, Section 1983, by plaintiff DANIEL VASQUEZ DOMINQUEZ are DISMISSED WITH PREJUDICE AS FRIVOLOUS, WITH PREJUDICE AS FRIVOLOUS UNTIL THE *HECK* CONDITIONS HAVE BEEN MET, AND FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

This terminates docket entry no. 15.

The Clerk shall send a copy of this Order to plaintiff and to any attorney of record. The Clerk shall also mail copies of this order to the Pro Se Clerk at the U.S. District Court for the Eastern District of Texas, Tyler Division.

It is SO ORDERED.

Signed this the ______ day of August, 2014.

United States District Judge